

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

MARLON HAMILTON,	)	
	)	
Plaintiff,	)	
	)	Case No. 1:22-cv-1276
v.	)	
	)	
AMO TRUCKING, LLC and	)	
MURSAL KULMIE,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Defendants AMO Trucking, LLC (“AMO”) and Mursal Kulmie (“Kulmie”), pursuant to 28 U.S.C. §1332, file their Notice of Removal of the captioned matter to the United States District Court for the Southern District of Indiana, Indianapolis Division, from the Marion Superior Court 6, Indianapolis, Indiana, and state as follows:

1. AMO and Kulmie are defendants in a personal injury action now pending in the Marion Superior Court 6, under Cause No. 49D06-2203-CT-008801.
2. Plaintiff filed his Complaint in the Marion Superior Court 6 on March 18, 2022.
3. Based upon information provided by the online docket for the Marion Superior Court 6, Mursal Kulmie was served with a copy of the Summons and Complaint on May 5, 2022 via certified mail.

4. Based upon information provided by the online docket for the Marion Superior Court 6, AMO has not yet been served with a copy of the Summons and Complaint.

5. Plaintiff's Complaint is subject to removal on the grounds of diversity jurisdiction pursuant to 28 U.S.C. §1332.

6. Plaintiff, Marlon Hamilton, is a citizen of the State of Indiana residing at and domiciled at 2111 W 76<sup>th</sup> Street, Apt 1, Indianapolis, IN 46260.

7. AMO Trucking is a limited liability company organized under the laws of Ohio with its principal place of business at 3242 Westerville Road, Columbus, Ohio 43224. AMO Trucking, LLC is comprised of one member: Abdirisak Yusuf. Mr. Yusuf resides at and is domiciled at 2595 Perigeaux Way, Columbus, Ohio 43219. As such, AMO Trucking is a citizen of the State of Ohio.

8. Kulmie is a citizen of the State of Ohio, residing and domiciled at 3243 Indian Head Court, Columbus, Ohio 43224.

9. The controversy in this cause of action is entirely between citizens of different states.

10. While Plaintiff's Complaint seeks an unspecified amount of damages, Plaintiff refused to admit that his damages are less than \$75,000.00. (See, Exhibit A). Therefore, the amount in controversy exclusive of interest and costs is greater than \$75,000, the jurisdictional threshold required by 28 U.S.C. §1332(a).

11. Attached hereto as Exhibit B is a complete copy of the State Court Docket and Record, including the following: Complaint for Damages, Appearance

for Plaintiff, Summons to Defendant AMO Trucking, LLC, Summons to Defendant Mursal Kulmie, Verified Motion to Withdraw Appearance and Notice of Attorney Lien, Order Motion to Withdraw Attorney Robert E. Feagley II, Appearance for Plaintiff, Amended Appearance for Plaintiff, Certificate of Issuance of Summons for Defendant Mursal Kulmie, Certificate of Issuance of Summons for AMO Trucking, LLC, Certified Mail Returned Served on Defendant Mursal Kulmie, Appearance for Defendants, Defendants' Motion for Enlargement of Time, Order Granting Defendants' Motion for Enlargement of Time, and Answer, Affirmative Defenses and Demand for Trial by Jury. These documents constitute all of the pleadings and process on file with the Marion Superior Court 6 as of the date of this filing of this Notice of Removal.

12. Attached hereto as Exhibit C is a separate copy of Plaintiff's Complaint filed on March 18, 2022.

13. Upon receiving a file-marked copy of this Notice of Removal, Defendants will serve the same upon Plaintiff and also file a copy with the Clerk of the Marion Superior Court 6.

Respectfully submitted,

WHITTEN LAW OFFICE LLC

**s/Christopher R. Whitten**

Christopher R. Whitten/#20429-49

Matthew K. Phillips/#28724-49

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 27, 2022, a copy of the foregoing was filed electronically. Parties may access this filing through the Court's system.

Michael E. Simmons, Esq.  
HUME SMITH GEDDES GREEN  
& SIMMONS LLP  
[MSimmons@humesmith.com](mailto:MSimmons@humesmith.com)

Nick Bennett, Esq.  
LAW OFFICE OF NICK BENNETT  
[Nick@nickbennettlaw.com](mailto:Nick@nickbennettlaw.com)

**s/Christopher R. Whitten**

Christopher R. Whitten

WHITTEN LAW OFFICE LLC  
6801 Gray Road, Suite H  
Indianapolis, IN 46237  
PH: 317/362-0225  
FX: 317/362-0151